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Cc: Saunders, Della (DPH)[Della.Saunders@MassMail.State.MA.US]
From: Henning, Gregory (SUF)
Sent: Sat 3/5/2011 3:48:11 PM
Subject: Com v. [REDACTED]

Hey guys,

The defendant in this case was asking to have an "independent test" of the drugs done in this case; one sample came back as non-narcotic (something he sold to a civilian); another sample came back as narcotic (and he sold that to an undercover officer...). His attorney couldn't figure out a way to get the drugs tested here that would comply with your procedures, so in the alternative the judge ordered us (over my objection) to make you guys available for a deposition on April 14th, 2011.

OK, what does that mean? It's not going to be anything out of the ordinary; instead, it will probably be almost identical to what you guys normally testify to in court or in a pre-trial hearing where they conduct a "voir dire" of the witnesses to see what you are going to testify to. Only difference here is that no judge is present, so it's just the attorneys asking questions and objecting on the record. The attorney for the defendant is a nice guy, and I imagine his questions will have to do with general testing procedures, chain of custody, etc. -- basically trying to make it possible that the drugs were "mixed up" or that somehow the narcotic drug [REDACTED] is actually not a drug.

I have reached out to him to determine what he plans to do on that day in terms of logistics (if he can get us a courtroom, what time we'll be doing it, etc.) but I wanted to let you guys know of the date as early as possible because I'm leaving town from 3/16 - 4/3.

If I hear from him (before I leave or once I come back), I will let you know what further info I have. And either way I'll be in touch the week before 4/14 to make sure it's still on.

If you guys have any questions, let me know. Otherwise, thanks as always for your patience and flexibility.

---greg